## **United States Court of Appeals**FOR THE EIGHTH CIRCUIT

\_\_\_\_\_

		<del></del>
	No. 03-1	084
Phillip K. Smith,  Plaintiff-Appellant,	* * *	
V.	* * *	
City of Jennings, Missouri; a municorporation; City of Berkeley, Missa municipal corporation; City of Florissant, a municipal corporation.	souri, *	
Defendants-Appellees	* 5, * *	Appeal from the United States District Court for the Eastern District of Missouri.
St. Louis County, Missouri, a mun corporation;	1C1pa1 * * *	(UNPUBLISHED)
Defendant,	*	
M. Tetrault, detective, DSN 240; J Derr, detective,	ack * * *	
Defendants-Appellees	S. *	
Submitted: October 18, 2004		

Submitted: October 18, 2004 Filed: November 1, 2004

\_\_\_\_\_

Before MURPHY, HEANEY, and BEAM, Circuit Judges.

## PER CURIAM.

On November 20, 2001, Phillip Smith brought this action under 42 U.S.C. § 1983, alleging an unlawful deprivation of property seized during a November 21, 1991 search of his residence. The district court¹ granted the defendants' motions for summary judgment, holding that Smith's claims accrued on the date of the seizure and were therefore barred by Missouri's five year statute of limitations. On appeal, Smith does not contest the applicability of the five year limitations period, but argues that his claim did not accrue until November 22, 1996. That was the date when the government would no longer have been able to initiate a criminal prosecution based on the seized evidence. See 18 U.S.C. § 3282. We conclude, however, that Smith's claim accrued on November 21, 1991, and we affirm on the basis of the well-reasoned opinion of the district court. See 8th Cir. R. 47B.

\_\_\_\_\_

<sup>&</sup>lt;sup>1</sup>The Honorable Catherine D. Perry, United States District Judge for the Eastern District of Missouri.